

AUSA: Brandon Christopher Thompson

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

25 MAG 166

UNITED STATES OF AMERICA

v.

JOEY GRANT LUTHER,

Defendant.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 1343, 545 and
2; 21 U.S.C. §§ 331(k), 333(a)(1),
331(i)(3), 333(b)(8), 331(c), and
333(a)(2)

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

LARS NADIG, being duly sworn, deposes and says that he is a Special Agent with the United States Food and Drug Administration, Office of Criminal Investigations ("FDA"), and charges as follows:

COUNT ONE
(Wire Fraud)

1. From at least in or about March 2024 through at least in or about July 2024, in the Southern District of New York and elsewhere, JOEY GRANT LUTHER, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, LUTHER engaged in a scheme to make false statements to victims in order to fraudulently induce them to be a client of his business, and sent and received, and caused others to send and receive, emails and other electronic communications, to and from the Southern District of New York and elsewhere, in furtherance of that scheme.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT TWO
(Dispensing of a Misbranded Drug While Held for Sale)

2. On or about September 29, 2021, January 7, 2022, June 16, 2022, July 28, 2022, January 12, 2023, May 31, 2023, November 30, 2023, and February 27, 2024, in the Southern District of New York and elsewhere, JOEY GRANT LUTHER, the defendant, did dispense and cause the dispensing of articles marketed as Botox, a prescription drug as defined at 21 U.S.C. § 353(b)(1), without a prescription of a practitioner licensed by law to administer such drug, an act which resulted in the drugs becoming misbranded while held for sale after their shipment in interstate commerce.

(Title 21, United States Code, Sections 331(k) and 333(a)(1).)

COUNT THREE

(Holding Counterfeit Drugs for Sale and for Dispensing)

3. On or about July 24, 2024, JOEY GRANT LUTHER, the defendant, did knowingly sell, dispense, hold for sale, and hold for dispensing counterfeit drugs, specifically, articles labeled as Botox® 150 Units manufactured by Allergan.

(Title 21, United States Code, Sections 331(i)(3) and 333(b)(8)).

COUNT FOUR

(Receiving Misbranded Drugs in Interstate Commerce and the Delivery or Proffered Delivery Thereof)

4. Between in or about April 2023 through at least in or about July 2024, JOEY GRANT LUTHER, the defendant, did, with the intent to defraud and mislead, receive and cause the receipt of misbranded drugs, to wit, drugs falsely labeled as Botox® 150 Units manufactured by Allergan, in interstate commerce, and delivered and proffered delivery thereof for pay and otherwise, such drugs being misbranded in that their labeling was false and misleading in any particular pursuant to Title 21, United States Code, Section 352(a)(1).

(Title 21, United States Code, Sections 331(c) and 333(a)(2)).

COUNT FIVE

(Smuggling)

5. From at least in or about April 2023 through at least in or about July 2024, in the Southern District of New York and elsewhere, JOEY GRANT LUTHER, the defendant, fraudulently and knowingly received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of merchandise, that is, drugs falsely labeled as Botox® 150 Units manufactured by Allergan, after the importation thereof, contrary to law, LUTHER then knowing that said merchandise had been imported and brought into the United States contrary to law, in that the drugs falsely labeled as Botox® 150 Units manufactured by Allergan were misbranded drugs that were introduced into interstate commerce, in violation of Title 18, United States Code, Section 545.

(Title 18, United States Code, Section 545)

OVERVIEW

6. From at least in or about January 2021 through at least in or about July 2024, JOEY GRANT LUTHER, the defendant, ran and operated a medical spa located in the Hell's Kitchen neighborhood of Manhattan called JGL Aesthetics. From at least in or about April 2023 through at least in or about July 2024, LUTHER caused counterfeit drugs to be shipped, including drugs labeled as Botox® 150 Units manufactured by Allergan (the "Counterfeit Botox"), from countries in Asia, including China, to the United States for his unlicensed and illegal use in JGL Aesthetics.

LUTHER, who does not hold the license required by the state of New York to prescribe drugs, including Botox, dispensed Counterfeit Botox without a prescription and performed injections of Counterfeit Botox at JGL Aesthetics as early as January 2021. Between in or about March 2024 and in or about April 2024, several of LUTHER's clients informed him that they were experiencing negative side effects—including lazy eyes, double vision, drooping eyelids, headaches, and difficulty swallowing after receiving injections of Counterfeit Botox from LUTHER—which LUTHER knew stemmed from the Counterfeit Botox. Certain of LUTHER's clients required MRIs while others were diagnosed with Botulism, a rare, but serious and potentially fatal illness caused by a toxin that attacks the body's nerves. In response to his clients' concerns, LUTHER typically advised that their symptoms would pass and affirmed that the Counterfeit Botox was genuine. After his clients informed him of their negative side effects, LUTHER informed his China-based supplier that the Counterfeit Botox had harmed both his clients and his business. Nonetheless, LUTHER continued ordering Counterfeit Botox from his supplier based in China. Between in or about March 2024—when LUTHER's clients began informing him about negative side effects following their injections of Counterfeit Botox—and in or about July 2024, JGL Aesthetics provided “Botox”-related services in approximately 500 appointments.

APPLICABLE LAW

7. The United States Food and Drug Administration (“FDA”), is the federal agency charged with the responsibility of protecting the health and safety of the American public by enforcing the Federal Food, Drug, and Cosmetic Act (“FDCA”), 21 U.S.C. § 301 *et seq.* Among the purposes of the FDCA is to ensure that drugs intended for human use are safe, effective, and bear labeling containing accurate information. Based on my understanding of the FDCA and, in particular, the Subject Offenses, I am aware, among other things, that:

a. The FDCA defines interstate commerce as “(1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other territory not organized with a legislative body.” 21 U.S.C. § 321(b).

b. Under the FDCA, “label” is defined as “a display of written, printed, or graphic matter upon the immediate container of any article.” 21 U.S.C. § 321(k). The term “labeling,” is broader and is defined as “all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.” 21 U.S.C. § 321(m).

c. Under the FDCA, a “drug” is, among other things, any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans; and any article (other than food) intended to affect the structure or any function of the body of a human. 21 U.S.C. § 321(g).

d. A “counterfeit drug” is a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such drug and which thereby falsely purports or is represented to be the product of, or to have been packed or

distributed by, such other drug manufacturer, processor, packer, or distributor. 21 U.S.C. § 321(g)(2).

e. A “prescription drug” is any drug intended for use in humans that:

i. because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary for its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or

ii. is limited by an approved application under section 21 U.S.C. § 355 for use under the professional supervision of a practitioner licensed by law to administer such drug. 21 U.S.C. § 353(b)(1).

f. A drug is misbranded if, among other things, its labeling is false or misleading in any particular. 21 U.S.C. § 352(a)(1).

g. A drug is misbranded while held for sale if, among other things, it is a prescription drug and is dispensed without a prescription of a practitioner licensed by law to administer such drug. 21 U.S.C. § 353(b)(1).

h. The FDCA prohibits the following acts and causing thereof:

i. Introducing or delivering for introduction into interstate commerce any drug that is misbranded. 21 U.S.C. §§ 331(a), 333(a).

ii. Receiving in interstate commerce any drug that is misbranded and the subsequent delivery or proffered delivery thereof. 21 U.S.C. §§ 331(c), 333(a).

iii. Doing any act resulting in a drug being misbranded if such act is done while the drug is held for sale after shipment in interstate commerce. 21 U.S.C. §§ 331(k), 333(a).

iv. Selling or dispensing, or the holding for sale or dispensing, a counterfeit drug. 21 U.S.C. §§ 331(i)(3), 333(a), 333(b)(8).

8. **Botox**. Botox® and Botox Cosmetic® (“Botox”) are the brand names for FDA-approved prescription drugs and biological products with the active ingredient of Botulinum Toxin Type A (OnabotulinumtoxinA), and manufactured by AbbVie, Inc.¹ Botox is intended to be administered by injection and is indicated for uses including temporary improvement in the appearance of moderate to severe frown lines between the eyebrows (glabellar lines) and prophylaxis of headaches in adult patients with chronic migraine. Products labeled as containing the active ingredient of Botulinum Toxin, like Botox, that are intended to be injected into humans

¹ Botox is manufactured by Allergan, Inc. and Allergan Aesthetics, which are currently part of Abbvie. See <https://www.abbvie.com/allergan.html>; <https://www.allerganaesthetics.com/>.

in order to affect the structure or any function of the body are prescription drugs and cannot lawfully be commercially distributed in the United States without FDA approval.

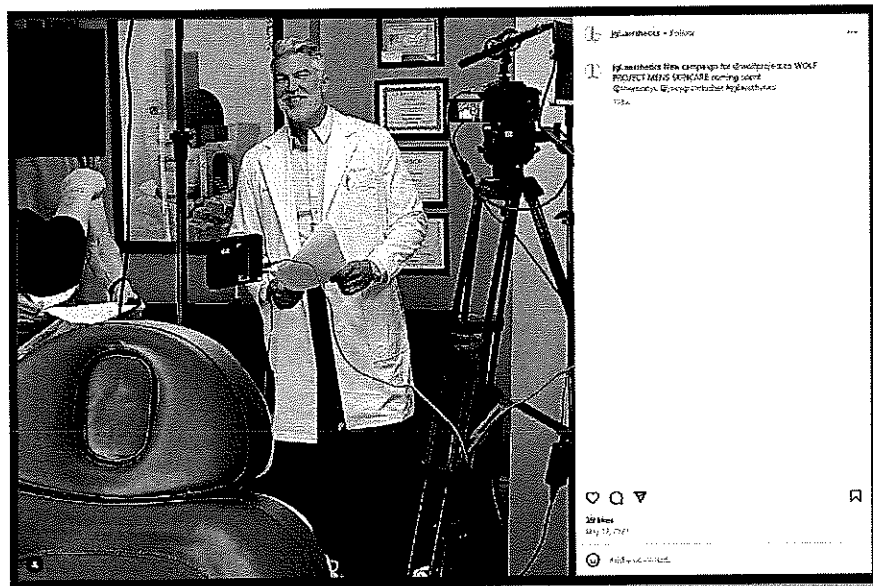
**LUTHER OPERATES A MEDICAL SPA IN HELL'S KITCHEN CALLED
JGL AESTHETICS**

9. Based on my participation in this investigation, my conversations with law enforcement special agents and officers, my conversations with victims and a former employee, my review of websites and social media accounts, my review of communications, my review of documents and records, including documents published by the New York State Education Department, my review of shipping records, and my review of physical evidence I know, among other things, the following:

10. From at least in or about January 2021 through at least in or about July 2024, JOEY GRANT LUTHER, the defendant, ran a medical spa called JGL Aesthetics in the Hell's Kitchen neighborhood of Manhattan.


11. LUTHER holds an aesthetician license and displayed his certifications in the office of JGL Aesthetics.

12. JGL Aesthetics had a website (the "Website") and maintained accounts on social media. In addition, JOEY GRANT LUTHER, the defendant, posted about JGL Aesthetics on social media accounts in his name (together with JGL Aesthetics' social media accounts, the "Social Media Accounts"). On the Social Media Accounts, LUTHER advertised the services that JGL Aesthetics offered and featured clients. The images below, which derive from certain of the Social Media Accounts, depict LUTHER in the JGL Aesthetics office.





13. Neither the Website nor the Social Media Accounts advertised the entirety of the services that JOEY GRANT LUTHER, the defendant, offered at JGL Aesthetics. Instead, iPads recovered by law enforcement from JGL Aesthetics' office, which were available to clients, revealed a menu of services that was not available on the Website or the Social Media Accounts (the "Menu of Services"), including a category called "injectables." Law enforcement officers' and special agents' review of electronic devices recovered from JGL Aesthetics, including iPads, showed that the Menu of Services was also texted to clients from devices used by employees of JGL Aesthetics. The Menu of Services is below.

	INJECTABLES		PRP TREATMENTS	
	Botox-face, axilla, and scrotox	\$ by area	PRP Hair Regeneration Treatment	\$ 750.00
	HA Fillers	\$ by area	Vampire PRP Micro-needling Facial	\$ 850.00
	Medical Facials and Peels		A-SHOT and each additional treatment	\$ 750.00
	Medical Detox Facial	\$ 250.00	Mesotherapy	\$325.00
	IPL Photofacial (45 min)	\$ 325.00	Abdomen	\$175.00
	Micro-Needling Facial (90 min)	\$ 325.00	Neck	
	Customized PCA™ Corrective Peel	\$ 250.00	LASER HAIR REMOVAL (per session)	
	PCA MD Peel	\$ 300.00	MEN	WOMEN
	PCA™ 8% Pure Retinol Peel	\$ 300.00	Cheek \$ 100	Face \$ 100
LASER			Neck \$ 100	Underarms \$ 120
IPL back treatment for acne or dark spots/ hyperpigmentation	\$ 320.00		Underarms \$ 150	Full Arms \$ 180
IPL chest for uneven skin tone and sun damage	\$ 250.00		Full Arms \$ 200	Lower Arms \$ 120
IPL Butt treatment for acne or dark spots/ hyperpigmentation	\$ 200.00		Lower Arms \$ 180	Belly \$ 75
Diode Capillary Treatment	\$ 290.00		Shoulders \$ 200	Buttocks \$ 180
Tattoo Removal	\$ 250.00		Back \$ 300	Full Legs \$ 350
Facial Treatment	\$ 800.00		Back and Shoulders \$ 400	Upper Legs \$ 200
Body Sculpting			Chest \$ 300	Lower Legs \$ 175
EmuSculpt-Individual Session	\$ 935.00		Stomach \$ 200	Bikini Line \$ 150
EmuSculpt-Buy 6 Sessions Get 1 Free	\$1675.00		Buttocks \$ 200	Full Bikini \$ 200
EmuSculpt-NEO-Individual Session	\$410.00		Full Legs \$ 375	
EmuSculpt-NEO-Buy 6 get 1 free	\$2,050.00		Upper Legs \$ 225	
EmuSculpt-NEO-Buy 10 get 3 free	\$4,100.00		Lower Legs \$ 175	
LASH LIFTS			Bikini Line (sides)	\$ 200
Lash Lift	\$ 120.00		Full Monty (buttocks, scrotum, shaft, middle)	\$950
Lash Lift and Tint	\$ 155.00			

14. Based on publicly available information from the New York State Education Department, New York State requires a medical license in order to perform injections of Botox.² LUTHER does not have the required medical license in New York State to prescribe drugs. The New York State Education Department confirmed that LUTHER has not received a license to practice nursing, medicine, or as a physician assistant.

15. Between in or about February 2024 and in or about April 2024, an individual (the “Former Employee”) worked at JGL Aesthetics. Among other tasks, the Former Employee was responsible for using an application to schedule appointments, capture the services performed, the duration of the visits, and pricing and payment information (the “Client and Services Management Application”). During the Former Employee’s time working at JGL Aesthetics, the Former Employee observed JOEY GRANT LUTHER, the defendant, inject what she understood to be Botox. The Former Employee asked LUTHER whether he attended medical school and if he was licensed to practice medicine. LUTHER answered no to both questions. During the Former Employee’s time working at JGL Aesthetics, LUTHER never told the Former Employee to ask clients for prescriptions for any services and the Former Employee never heard any other employee of JGL Aesthetics ask clients to provide prescriptions. The Former Employee attempted to record LUTHER administering injections so that the recordings could be used on the Social Media Accounts. LUTHER told the Former Employee that the Former Employee could never film him administering injections.

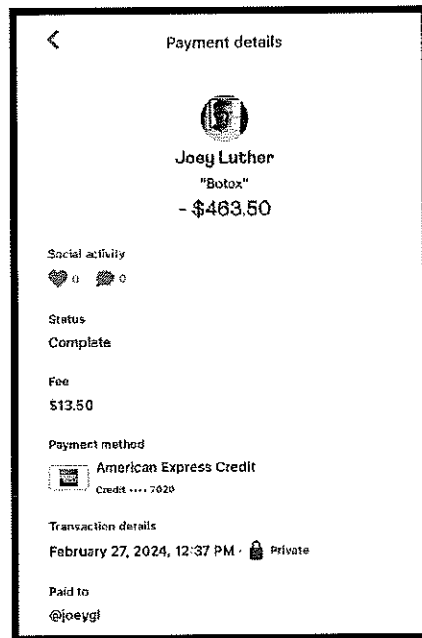
² See New York State Department of Health, “Appearance Enhancement Licenses – Procedural Service Determinations,” available https://dos.ny.gov/system/files/documents/2024/11/ae-licensees-procedural-service-determinations_11.2024_0.pdf (last accessed December 9, 2024).

**VICTIM-1 IS DIAGNOSED WITH BOTULISM TOXIN AFTER RECEIVING
INJECTIONS OF COUNTERFEIT BOTOX FROM LUTHER**

16. Based on my participation in this investigation, my conversations with law enforcement special agents and officers, my conversations with victims, my review of websites and social media accounts, my review of communications, my review of documents and records, my review of financial and transaction records, my review of shipping records, and my review of physical evidence I know, among other things, the following:

a. In or about September 2021, an individual ("Victim-1") went to JGL Aesthetics for the purpose of receiving Botox injections from JOEY GRANT LUTHER, the defendant, to treat excessive sweating as well as fine lines on her face. Victim-1 learned that LUTHER performed Botox injections from a friend. Between in or about September 2021 and in or about February 2024, LUTHER injected Counterfeit Botox into Victim-1's armpit, forehead, and face on approximately eight occasions, specifically on or about September 29, 2021, January 7, 2022, June 16, 2022, July 28, 2022, January 12, 2023, May 31, 2023, November 30, 2023, and February 27, 2024. During these visits, LUTHER did not discuss his training or qualifications to administer Botox. Victim-1 never provided LUTHER with a prescription to receive Botox injections. In particular:

i. During Victim-1's visit on or about February 27, 2024, LUTHER injected Counterfeit Botox into Victim-1's armpits and eyebrow area at JGL Aesthetics. LUTHER charged Victim-1 \$463.50 for this service. Below is a screenshot of a Venmo payment from Victim-1 to LUTHER for his injecting the Counterfeit Botox.



ii. Approximately three days after Victim-1's February 27, 2024 visit to JGL Aesthetics, Victim-1 began experiencing double vision, light headedness, difficulty swallowing and chewing, heart palpitations, and slurring of speech. Victim-1 also could not lift

her arms and experienced weakness from the waist up. Victim-1 went to three hospitals to seek medical assistance for these symptoms. On or about March 20, 2024, Victim-1 was diagnosed with Botulism toxin, which I know from my training, experience, and open-source research is a rare, but serious and potentially fatal illness caused by a toxin that attacks the body's nerves.³

iii. On or about March 16, 2024, Victim-1 texted LUTHER and inquired whether the substance LUTHER injected was Botox. LUTHER falsely responded that he injected Botox from Allergan when, in reality, he injected Counterfeit Botox.

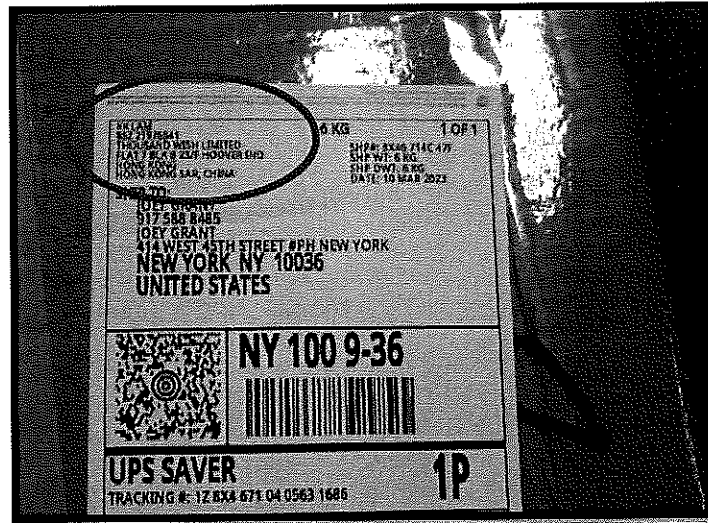
**U.S. CUSTOMS AND BORDER PROTECTION SEIZES PACKAGES CONTAINING
COUNTERFEIT BOTOX SHIPPED FROM ASIA AND NOTIFIES LUTHER OF THE
SEIZURES**

17. Based on my participation in this investigation, my conversations with law enforcement special agents and officers, my conversations with victims, my review of websites and social media accounts, my review of communications, my review of documents and records, my review of financial and transaction records, my review of shipping records, and my review of physical evidence I know, among other things, the following:

a. From between in or about April 2023 and in or about January 2024, U.S. Customs and Border Patrol ("CBP") seized parcels intended for JGL Aesthetics. More specifically:

i. On or about April 3, 2023, CBP seized a parcel sent from Hong Kong, addressed to JGL Aesthetics' office and listing "Joey Grant" as the consignee ("Parcel-1"). Parcel-1 contained 128 vials of Counterfeit Botox with an appraisal value of approximately \$263,434.00. The Counterfeit Botox was in 150 units. As discussed below, genuine Botox is not manufactured in 150-unit quantities. *See* Paragraph 18.b, *infra*. On or about April 27, 2023, CBP mailed a notice to the attention of JOEY GRANT LUTHER, the defendant, at JGL Aesthetics' office informing LUTHER that CBP had seized Parcel-1 because the contents violated the provisions of, among other statutes, Title 21, United States Code, Section 331 (the "April 27, 2023 CBP Letter"). Below is a photo of the exterior of Parcel-1, which has a return address in China, as well as a photo of the contents of the parcel—vials of Counterfeit Botox.

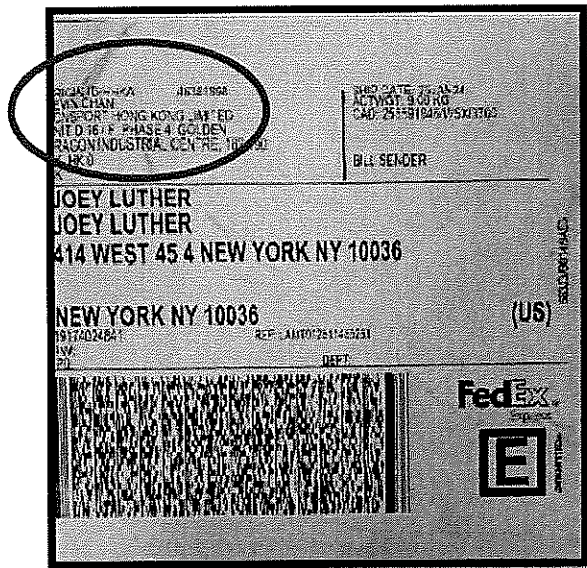
³ See Centers for Disease Control, "About Botulism" available: [https://www.cdc.gov/botulism/about/index.html#:~:text=Botulism%20\(%22BOT%2Dchoo%2D,Clostridium%20baratii%20bacteria%20\(germs\)\(last%20accessed%20July%2018%2C%202024\).](https://www.cdc.gov/botulism/about/index.html#:~:text=Botulism%20(%22BOT%2Dchoo%2D,Clostridium%20baratii%20bacteria%20(germs)(last%20accessed%20July%2018%2C%202024).)



ii. On or about April 26, 2023, CBP seized a parcel sent from Hong Kong, addressed to JGL Aesthetics' office and listing LUTHER as the consignee ("Parcel-2"). Parcel-2 contained vials of Counterfeit Botox in 150 units with an appraisal value of approximately \$42,631.44. As discussed below, genuine Botox is not manufactured in 150-unit quantities. *See* Paragraph 18.b, *infra*. On or about May 24, 2023, CBP mailed a notice to LUTHER's attention at the JGL Aesthetics' office informing him that CBP had seized Parcel-2 because the contents violated the provisions of, among other statutes, Title 21, United States Code, Section 331.

iii. On or about January 29, 2024, CBP seized a parcel sent from Hong Kong, addressed to JGL Aesthetics' office and listing LUTHER as the consignee ("Parcel-3"). Parcel-3 contained, among other things, 2.5 kilograms of Counterfeit Botox in 150 units. As discussed below, *see* paragraph 18.b, *infra*, genuine Botox is not in 150-unit quantities. On or about February 19, 2024, CBP mailed a notice to LUTHER's attention at JGL Aesthetics' office informing him that CBP had seized Parcel-3 because the contents violated the provisions of, among

other statutes, Title 21, United States Code, Section 331. Below is a photo of the exterior of Parcel-3, which lists a return address in Hong Kong, as well as a photo of the contents of Parcel-3—including the exterior of cartons of Counterfeit Botox.



INFLUX OF COUNTERFEIT BOTOX INTO THE UNITED STATES

18. Based on my participation in this investigation, my conversations with law enforcement special agents and officers, my review of publicly available information, my review of websites, and my training and experience, I know, among other things, the following:

a. As early as on or about April 15, 2024, popular news outlets, such as CNN, have covered the surge in counterfeit Botox in the United States.⁴ On or about April 19, 2024, the New York City Department of Health also issued publications warning people that “patients experienced serious symptoms including double-vision, shortness of breath, and difficulty swallowing” after receiving Botox injections by non-medical providers.⁵

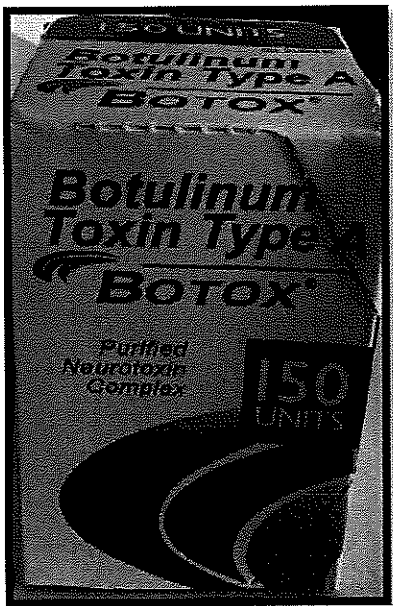
b. On or about April 16, 2024, the FDA published an article explaining that “unsafe, counterfeit versions of Botox (botulinum toxin) ha[d] been found in multiple states.”⁶ (the “FDA Botox Article”). The FDA Botox Article included photos of the counterfeit Botox that law enforcement had confiscated; the counterfeit product depicted in the FDA Botox Article closely resembles the Counterfeit Botox that CBP seized that was intended for LUTHER and JGL

⁴ See, e.g., CNN.com, “Counterfeit Botox has been found in several states. Here’s what consumers should know,” available <https://www.cnn.com/2024/04/16/health/counterfeit-botox-what-to-know/index.html> (last accessed January 1, 2025).

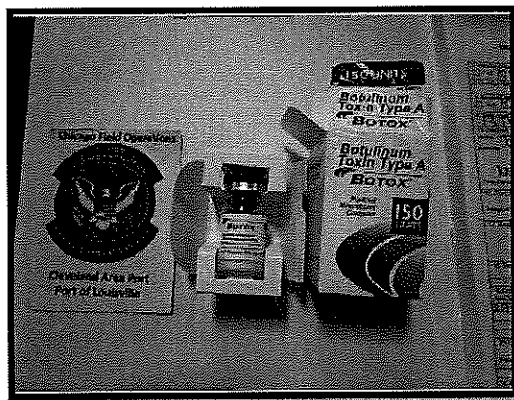
⁵ See New York City Department of Health, “Beware of Botulinum Toxin (‘Botox’) Injections by Non-Medical Providers,” available <https://www.nyc.gov/site/doh/about/press/pr2024/beware-botox-injections-by-non-medical-professionals.page> (last accessed December 9, 2024).

⁶ See U.S. Food and Drug Administration, “Counterfeit Version of Botox Found in Multiple States,” available <https://web.archive.org/web/20240416175854/https://www.fda.gov/drugs/drug-safety-and-availability/counterfeit-version-botox-found-multiple-states> (last accessed January 17, 2025) (the “FDA Botox Article”).

Aesthetics. The FDA Botox Article also indicated that counterfeit Botox can be identified by its outer carton or vial indicating 150-unit doses, which is not a unit made by AbbVie or Allergan. The above-mentioned intercepted shipments of Counterfeit Botox contained cartons indicating 150-unit doses. Counterfeit Botox is not FDA approved.



Product the FDA identified as counterfeit in the FDA Botox Article



Product seized from Parcel-1

SEARCH OF JGL AESTHETICS

19. Based on my participation in this investigation, my conversations with law enforcement special agents and officers, my conversations with victims, my review of websites and social media accounts, my review of communications, my review of documents and records, my review of financial and transaction records, my review of the contents of cellphones, iPads, and other electronic devices, and my review of physical evidence I know, among other things, the following:

a. On or about July 24, 2024, law enforcement officers and special agents executed a search warrant for the JGL Aesthetics' office.

b. Law enforcement officers and special agents seized, among other things, prescription drugs, including Counterfeit Botox, as well as multiple electronic devices, including an iPhone that JOEY GRANT LUTHER, the defendant, identified as belonging to him ("LUTHER's Phone").⁷

⁷ These prescription drugs have not been tested. Based on correspondence with the Associate Director of Global Product Protection at AbbVie (the "Associate Director"), which is the parent company of Allergan, I understand, based on, among other things, the Associate Director's review of photographs of the labels on the cartons, that the Counterfeit Botox seized from JGL Aesthetics pursuant to the search warrant is counterfeit.

c. All of the Botox recovered from JGL Aesthetics by law enforcement officers and special agents during the execution of the search warrant was Counterfeit Botox. Accordingly, JOEY GRANT LUTHER, the defendant, only had counterfeit Botox at JGL Aesthetics' office.

d. During the execution of the search warrant for JGL Aesthetics, law enforcement special agents and officers found a physical copy of the April 27, 2023 CPB Letter. The April 27, 2023 Letter was addressed to "Joey Grant," a name that LUTHER had instructed Supplier-1 to use when sending him parcels, *see* paragraph 20.a.ii, *infra*.

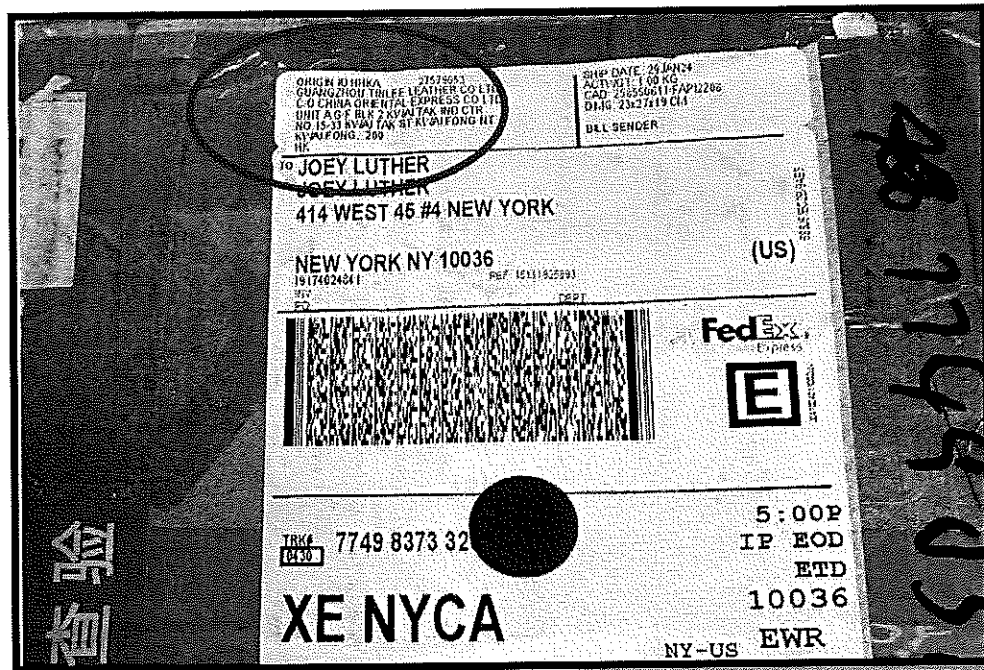
LUTHER ORDERED COUNTERFEIT BOTOX FROM ASIA

20. Based on my participation in this investigation, my conversations with law enforcement special agents and officers, my conversations with victims, my review of websites and social media accounts, my review of communications, my review of documents and records, my review of financial and transaction records, my review of the contents of cellphones, iPads, and other electronic devices, and my review of physical evidence I know, among other things, the following:

a. Law enforcement officers and special agents searched LUTHER's Phone pursuant to the search warrant. The search of LUTHER's Phone revealed that LUTHER purchased Counterfeit Botox and other products from multiple online suppliers based in Asia. In particular:

SUPPLIER-1

i. From at least April 2023 through at least in or about July 2024, LUTHER communicated with a salesperson identified as "Youki DEAR Supplier" ("Supplier-1"). During that time, LUTHER ordered, among other things, Counterfeit Botox from Supplier-1. Supplier-1 informed LUTHER that Supplier-1 was based in China. When LUTHER placed orders with Supplier-1, Supplier-1 often sent LUTHER photos of the parcels that Supplier-1 was sending LUTHER. LUTHER often sent Supplier-1 photos of the parcels that Supplier-1 sent to confirm that LUTHER had received them. For example, on or about February 2, 2024, LUTHER sent Supplier-1 a photo of a parcel that Supplier-1 had sent him to confirm that LUTHER had received it. The parcel, pictured below, has a return address in Hong Kong.



ii. When placing orders from Supplier-1, LUTHER often instructed Supplier-1 to address them to names other than his own, including “Joey Grant.”

iii. On or about March 29, 2024, when negotiating an additional order with Supplier-1, LUTHER wrote that he had “ordered thousands and thousands of bottles from you, and you know I will be your customer, but you have to be fair. I can’t work without product.”

iv. On or about April 16, 2024, LUTHER messaged Supplier-1 and informed Supplier-1 that he had clients who were experiencing double vision after being injected with the Counterfeit Botox LUTHER purchased from Supplier-1. LUTHER wrote, “I’ve been doing this for years. I’ve been ordering the same product for years from you. It was the Botox from March.”

v. On or about April 19, 2024, LUTHER sent Supplier-1 a screenshot of the Google search results for the search “fda lot number for fake botox.” The screenshot of the search result lists “C3709C3” as the lot number for fake Botox. LUTHER then sent Supplier-1 an image of a carton of Counterfeit Botox with the lot number “C3709 C3.” After sending this image, LUTHER wrote, “[t]hat lot number is contaminated that I bought from you. It’s on the news here.” LUTHER then told Supplier-1, “[t]his is really affected [sic] my business . . . Double vision, difficulty swallowing . . . Do you understand what I’m saying? The Botox that you sent me for February and March has caused all of these side effects for my clients.” When Supplier-1 asks LUTHER how many of his clients have experienced side effects, he responds, “at least 20.”

vi. On or about April 24, 2024, LUTHER messaged Supplier-1 and told Supplier-1 that he “will continue to order from [“Supplier-1”], but [Supplier-1] ha[d] to fix this.”

vii. On or about April 25, 2024, LUTHER messaged Supplier-1 and wrote, “[y]ou sold me bad botox and my clients were in the hospital. I had to pay their bills and try to save my reputation . . . Do you know how much money I lost? You can send me 41 bottles and I will place another order. But I will never place another order with you until I receive those 41 bottles.”

viii. On or about March 29, 2024, Supplier-1 sent LUTHER an order of Counterfeit Botox. On or about May 4, 2024, LUTHER confirmed receipt of the order. On or about May 22, 2024, June 25, 2024, and July 17, 2024, LUTHER ordered additional Counterfeit Botox from Supplier-1.

SUPPLIER-2

ix. From at least March 5, 2024, through at least in or about July 16, 2024, LUTHER communicated with a salesperson identified as “Selina” (“Supplier-2”). The phone number that Supplier-2 used to communicate with LUTHER began with “+86”; 86 is the country code for China.

x. On or about March 5, 2024, LUTHER wrote Supplier-2 and said, “[a]lso, I order about 150 bottles of Botox every month from my rep in China. Would love to order a small batch to try.”

xi. On or about April 17, 2024, LUTHER wrote Supplier-2 and said, “[w]e had some trouble with the other Botox we were using. People started getting blurry vision. Did you hear about this?” LUTHER then sent Supplier-2 a photo of Counterfeit Botox that he ordered and received from Supplier-1. Supplier-2 writes, in response, “I really didn’t expect this. Is this authentic?” In response, LUTHER writes, “[n]o. Imported.”

xii. LUTHER ordered purported Sotox,⁸ purported Hylamuscu,⁹ and purported lidocaine cream from Supplier-2.

SEVERAL OF LUTHER’S CLIENTS COMPLAINED ABOUT NEGATIVE SIDE EFFECTS AFTER RECEIVING COUNTERFEIT BOTOX INJECTIONS AT JGL AESTHETICS

21. Based on my review of LUTHER’s Phone, I know, among other things, the following:

a. From at least in or about March 2024 through at least in or about April 2024, that is, during the time period that JOEY GRANT LUTHER, the defendant, negotiated an additional purchase of Counterfeit Botox from Supplier-1, *see* paragraphs 20.a.v-20.a.viii, *supra*,

⁸ Based on my review of publicly available information, I understand that “Sotox” is a reference to Sotorior Toxin Treatment, which is a botulinum toxin sold by Dermax. *See* Dermax “Sotorior Toxin Treatment,” available <https://www.dermaxmed.com/sotorior-toxin-treatment.html> (last accessed December 10, 2024).

⁹ Based on my review of publicly available information, I understand that “Hylamuscu” is a reference to “Hylamuscu dermal filler” which is a hyaluronic acid dermal filler that is injected into the shaft and glans of the penis to increase girth and length. *See* Dermax, “Penis Filler Hyaluronic Acid Online,” available <https://www.dermaxmed.com/penis-filler-hyaluronic-acid-online.html> (last accessed December 10, 2024).

multiple individuals who received injections of Counterfeit Botox from LUTHER messaged LUTHER about the negative side effects from the injections, including lazy eyes, double vision, and drooping eyelids. In response to these complaints, LUTHER typically assured his clients that the side effects were temporary, represented that he was unaware that counterfeit Botox had been found circulating in the United States, and falsely assured clients that what he had injected—the Counterfeit Botox—was from Allergan, the veritable maker. Below are tables containing excerpts of conversations between LUTHER and some of his clients who voiced complaints.

Victim-2

Individual	Date/Time	Message
Victim-2	3/30/2024, 7:00 p.m.	Hi Joey, It's [REDACTED]. I'm nervous re: my vision, it's been getting worse each day since the jelly roll injection. I don't have depth perception when I walk . . . I can only really see things close up. I know you said to wait to the 2 week mark, which is Thursday, but I wanted to have a plan. I've been on vacation and return Monday night. Will you be back in NY this week?
LUTHER	3/31/2024, 9:30 p.m.	Hi [REDACTED], Happy Easter. I will be in NY this week. I'm back in on Thur and Friday. We can find a time for you to come by, just let me know what's best. If this is from under the eye botox that we did, it was a tiny dot and is just muscular , so it's very temporary in the area. I just want to ease your mind about that . Safe travels tomorrow and let me know when is good to come by. J

Victim-3

Individual	Date/Time	Message
Victim-3	4/1/2024, 10:45 p.m.	Hey there ! I hope you are well. One of my eye lids are [sic] dropping and I wonder what I should do? I am in spain [sic] Thank you
LUTHER	4/2/2024, 12:35 p.m.	Hi good morning [REDACTED]. We didn't go low on the brows, only enough to minimize that crease. You're at the two week mark, so everything has just kicked in, but those weaker brow muscles should start to rebound since we didn't inject them directly.
Victim-3	4/6/2024, 10:59 a.m.	I'm worried that the Botox likely struck a bad line somehow because it's basically lowered my kids [sic]. I have also started having a hard time swallowing/ I have headaches and it's hard to lift my head when I'm laying down. Have you heard of this reaction. Maybe it's relaxed a line of nerves somehow or other muscles
LUTHER	4/6/2024, 9:35 p.m.	Hi! Sorry you're going through all of that. The Botox shouldn't cause any of those side effects. It was all absorbed by the muscles very quickly. The lids should

		perk up. Just give it a little time, I know it's frustrating. The neck fatigue and headaches sound more like a virus. Did you do more Botox?
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Victim-4

<u>Individual</u>	<u>Date/Time</u>	<u>Message</u>
Victim-4	4/17/2024, 7:04 p.m.	Hi guys fyi I got a lazy eye for a month now had Mari [sic] a million tests from Dr they think it could be from botox which happens some times Has anyone else had this that u know thanks xox If its botox that is better then [sic] anything else itcould be Let me know if anyone else has complained of this thanks
LUTHER	4/18/2024 11:05 a.m.	Hi [REDACTED], Joey here. Sorry to hear your eyelid got a little weak. It does happen occasionally with Botox. We haven't had any other issues , I think it may have gotten too low and weakened the brow . But it should rebound quickly . Keep me updated. Xo.

Victim-5

<u>Individual</u>	<u>Date/Time</u>	<u>Message</u>
Victim-5	4/16/2024, 4:54 p.m.	Hi Joey, I wanted to let you know that I started to have double vision the first week of April after the Botox has set in. I've had an mri of my Brian [sic] and had a visit to the ER last Saturday. They ruled out my Brian [sic] and they suspect it could be related to the Botox. Today the news is releasing info about counterfeit Botox going around. I thought I'd let you know what was going on w me just in case you got a bad batch. I'm seeing an eye doctor shortly and will no more soon.
Victim-5	4/16/2024, 4:54 p.m.	https://amp.cnn.com/cnn/2024/04/15/health/counterfeit-botox-cdc-investigation
LUTHER	4/16/2024, 5:51 p.m.	Hey there. Sorry to hear you are getting double vision. It's rare with botox but sometimes the peripheral muscles can get slightly weaker and cause a little blurry vision, but it's very temporary. I haven't heard about the counterfeit Botox story. That's crazy. I just sent it to my distributor.
Victim-5	4/18/2024, 1:23 p.m.	Good morning, I have good news, my vision has improved greatly. It was really bad the first week of April. The optometrist is fairly certain that it was Botox related and also said the lateral rectus muscle was likely to do with it. It was scary! They had me go for an MRI of my brain, then scared me into going to the ER sat night, that's when I started to think it was Botox related.

		Did you ever hear from your distributor, could the Botox have been counterfeit?
LUTHER	4/19/2024, 12:10 p.m.	Good morning [REDACTED]. I'm happy to hear your vision is improving. It is a scary thing. The botox can sometimes cause temporary blurring (or lack of focus) if any reaches that lateral rectus muscle, but if it is the cause that muscle does recover so quickly. We did try and go a little heavier in that area for those stubborn muscles. But I always stay in the "safe zone" to avoid that. The botox is from Allergan, so I know that's not an issue. Sorry you're going through this. I know it's frustrating.

**LUTHER CONTINUED TO INJECT COUNTERFEIT BOTOX INTO CLIENTS AFTER
CBP SEIZED PARCELS INTENDED FOR HIM, AFTER CLIENTS INFORMED HIM
OF NEGATIVE SIDE EFFECTS, AND AFTER HE ORDERED ADDITIONAL
COUNTERFEIT BOTOX FROM SUPPLIER-1**

22. Neither CBP's seizure of packages intended for JOEY GRANT LUTHER, the defendant, nor his clients' informing LUTHER of injuries related to his injecting Counterfeit Botox stopped LUTHER from continuing to procure the Counterfeit Botox and injecting it into his clients.

23. Based on my review of documents, materials, and data pertaining to JGL Aesthetics provided by the Client and Services Management Application, I know, among other things, that between March 16, 2024—the date that Victim-1 contacted LUTHER about the injections of Counterfeit Botox—and October 2, 2024—that is, after law enforcement officers and special agents executed the search warrant, JGL Aesthetics had at least 700 appointments logged in the Client and Service Management Application that were coded with having provided Botox-related services. Data contained in the Client and Services Management Application also revealed that JGL Aesthetics provided Botox-related services as early as January 2021.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of JOEY GRANT LUTHER, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

/s/ Lars Nadig (By Court with Authorization)

LARS NADIG
Special Agent
United States Food and Drug Administration,
Office of Criminal Investigations

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 20th day of January 2025.



THE HONORABLE SARAH L. CAVE
United States Magistrate Judge
Southern District of New York